



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: **Boies et al.**

Serial No.: **09/884,580**

Filed: **June 19, 2001**

**For: Apparatus, Method and  
Computer Program Product for  
Selecting a Format for Presenting  
Information Content Based on  
Limitations of a User**

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§ **Group Art Unit: 3629**  
§  
§ **Examiner: Smith, Traci L.**  
§  
§ **Attorney Docket No.: YOR920000496US1**  
§  
§

**DECLARATION**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Monica Gamez, being of sound mind and legal age, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon; and further hereby attest to personal knowledge of the following:

I am employed by Yee & Associates, P.C. (the "Firm"), as a Legal Assistant. The employee who originally sign the certificate of mailing, A. J. Jimenez, is no longer employed by the Firm and we have no knowledge of his whereabouts or how to contact him.

I state that I have personal knowledge of the following procedures used when sending a Response to Office Action to the USPTO:

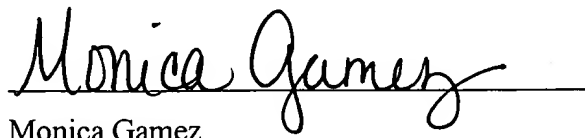
**Best Available Copy**

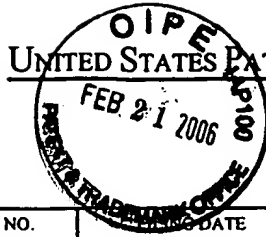
1. The Response to Office Action is faxed to the USPTO along with a facsimile cover sheet and a Transmittal sheet.
2. We verify receipt from our facsimile transmission confirmation that all pages that were faxed were also received by circling the number of pages on the confirmation page.
3. We wait for the USPTO Auto-Facsimile Transmission Confirmation and verify that all pages that were faxed to the USPTO were also received by the USPTO.
4. We send a copy of all pages faxed to the USPTO to the client, including the USPTO Auto-Facsimile Transmission Confirmation.
5. We update our file by placing all documents faxed and received, including confirmations, into the file and update the file index.
6. The file is then sent for docketing and forwarded to the fileroom.

Attached is a copy of the file index and copies of all documents filed under Tab #6, including:

- Exhibit 1 USPTO Auto-Reply Facsimile Transmission confirmation showing 16 pages were received at the USPTO.
- Exhibit 2 Firm's Transmission Verification Report showing 16 pages were faxed to the USPTO.
- Exhibit 3 Firm's Facsimile Cover Sheet showing 16 pages were to be faxed to the USPTO (1 page).
- Exhibit 4 The Transmittal Document faxed on March 9, 2005 (1 page).
- Exhibit 5 Copy of the Response to Office Action filed on March 9, 2005 (14 pages).

Dated: February 13, 2006

  
Monica Gamez



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,580	06/19/2001	Stephen J. Boies	YOR920000496US1	2574

7590 06/29/2005  
Duke W. Yee  
Carstens, Yee & Cahoon, LLP  
P.O. Box 802334  
Dallas, TX 75380

EXAMINER

SMITH, TRACI L

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



# **Notice of Abandonment**

Application No.

09/884,580

Examiner

Traci L. Smith

Applicant(s)

BOIES ET AL.

Art Unit

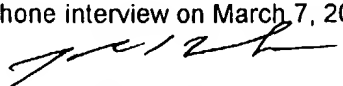
3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 09 December 2004.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☒ A reply was received on 07 March 2005 but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Applicants response is clearly a intended to be a draft in response to the phone interview on March 7, 2005 and not intended to be an official response.

  
JOHN G. WEISS  
ATTORNEY AT LAW  
115

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

## Auto-Reply Facsimile Transmission



TO: Fax Sender at 9723857766  
Fax Information  
Date Received: 3/9/2005 3:33:28 PM [Eastern Standard Time]  
Total Pages: 16 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page  
=====>

83/89/2005 14:31 9723857766 YEE & ASSOCIATES PAGE 01	
<b>Yee &amp; Associates, P.C.</b> 4100 Alpha Road Suite 1100 Dallas, Texas 75244 Main No. (972) 385-8777 Facsimile (972) 385-7766	
<b>Facsimile Cover Sheet</b>	
To: Commissioner for Patents for Examiner Traci L. Smith Group Art Unit 3629	Facsimile No.: 703/872-9306
From: A.J. Jimenez Legal Assistant to Betty Formby	No. of Pages Including Cover Sheet: 16
Message: Transmitted herewith: <ul style="list-style-type: none"><li>• Transmittal Document; and</li><li>• Response to Office Action.</li></ul>	
Re: Application No. 09/884,580 Attorney Docket No. YOR920006496US1	
Date: Wednesday, March 09, 2005	
Please contact us at (972) 385-8777 if you do not receive all pages indicated above or experience any difficulty in receiving this facsimile.	This facsimile is intended only for the use of the addressee and, if the addressee is a client or third agent, contains privileged and confidential information. If you are not the intended recipient of this facsimile, you have received this facsimile inadvertently and in error. Any review, disclosure, distribution, or copying is strictly prohibited. If you received this facsimile in error, please notify us by telephone and return the facsimile to us immediately.
<b>PLEASE CONFIRM RECEIPT OF THIS TRANSMISSION BY FAXING A CONFIRMATION TO 972-385-7766.</b>	
PAGE 016 'RCVD AT 2/9/2005 3:33:28 PM [Eastern Standard Time] ' BY USPTO-ETCJF-00 ' OMS:072036 ' CSD:077067766 ' DURATION (min):14:42	

TRANSMISSION VERIFICATION REPORT

TIME : 03/09/2005 14:35  
NAME : YEE & ASSOCIATES  
FAX : 9723857766  
TEL : 9723858777  
SER.# : BROK3J807974

DATE, TIME  
FAX NO./NAME  
DURATION  
PAGE(S)  
RESULT  
MODE

03/09 14:31  
917038729306  
00:04:17  
16  
OK  
STANDARD  
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**Yee &  
Associates, P.C.**

4100 Alpha Road  
Suite 1100  
Dallas, Texas 75244

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Facsimile (972) 385-7766

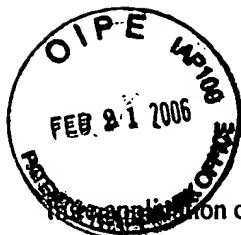
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## Facsimile Cover Sheet

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To: Commissioner for Patents for Examiner Traci L. Smith Group Art Unit 3629	Facsimile No.: 703/872-9306
From: A.J. Jiménez Legal Assistant to Betty Formby	No. of Pages Including Cover Sheet: 16
Message:  Transmitted herewith: <ul style="list-style-type: none"><li>• Transmittal Document; and</li><li>• Response to Office Action.</li></ul>	
Re: Application No. 09/884,580 Attorney Docket No: YOR920000496US1	
Date: Wednesday, March 09, 2005	
<b>Please contact us at (972) 385-8777 if you do not receive all pages indicated above or experience any difficulty in receiving this facsimile.</b>	<i>This Facsimile is intended only for the use of the addressee, and, if the addressee is a client or their agent, contains privileged and confidential information. If you are not the intended recipient of this facsimile, you have received this facsimile inadvertently and in error. Any review, dissemination, distribution, or copying is strictly prohibited. If you received this facsimile in error, please notify us by telephone and return the facsimile to us immediately.</i>

**PLEASE CONFIRM RECEIPT OF THIS TRANSMISSION BY  
FAXING A CONFIRMATION TO 972-385-7766.**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Registration of: Boies et al.

Serial No.: 09/884,580

Filed: June 19, 2001

For: Apparatus, Method and  
Computer Program Product for  
Selecting a Format for Presenting  
Information Content Based on  
Limitations of a User

35526

PATENT TRADEMARK OFFICE  
CUSTOMER NUMBER

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Group Art Unit: 3629

Examiner: Smith, Traci L.

Attorney Docket No.: YOR920000496US1

Certificate of Transmission Under 37 C.F.R. § 1.8(a)

I hereby certify this correspondence is being transmitted via  
facsimile to the Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450, facsimile number (703) 872-9306,  
on March 9, 2005.

By:

A. J. Jimenez

TRANSMITTAL DOCUMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

ENCLOSED HERewith:

- Response to Office Action.

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 50-0510. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 50-0510.

Respectfully submitted,

Betty Formby

Registration No. 36,536

AGENT FOR APPLICANTS

Duke W. Yee

Registration No. 34,285

ATTORNEY FOR APPLICANTS

YEE & ASSOCIATES, P.C.

P.O. Box 802333

Dallas, Texas 75380

(972) 385-8777





THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application: **Boies et al.**

Serial No.: **09/884,580**

Filed: **June 19, 2001**

**For: Apparatus, Method and  
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**Group Art Unit: 3629**

**Examiner: Smith, Traci L.**

**Attorney Docket No.: YOR920000496US1**

**Certificate of Transmission Under 37 C.F.R. § 1.8(a)**

I hereby certify this correspondence is being transmitted via facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, facsimile number (703) 872-9306, on March 9, 2005.

By: \_\_\_\_\_

*A. J. Jiménez*  
A. J. Jiménez

**RESPONSE TO OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 50-0510. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 50-0510.

In response to the Office Action dated December 9, 2004, please amend the above-identified application as follows:

**IN THE SPECIFICATION:**

On page 5, please replace the paragraph extending from lines 11-20 with the following:

The information sources **140-160** may be any type of device capable of providing information content in one or more various formats. For example, the information sources **140-160** may be network servers, databases, television or radio stations, information pager service supplier systems, and the like ~~{INVENTORS: PLEASE ADD TO THE LIST AS YOU SEE FIT}~~. In a preferred embodiment of the present invention, the information sources **140-160** are servers that provide information content in one or more of textual format, graphical and/or video format, and audio format. The information from information suppliers **140-160** is supplied to information content retrieval device **120** via the one or more networks **130** in the form of data transmissions.

## **IN THE CLAIMS:**

1. (Currently amended) A method for providing information content to a user, comprising the computer-implemented steps:  
automatically receiving, from a device carried by a user, an identification of the user in a processing device;  
determining using said identification of the user to determine one or more physical limitations of the user regarding receipt and/or interpretation of ~~the~~ information content ~~based on the identification of the user;~~ and  
outputting information content to the user based on the one or more physical limitations of the user.
2. (Currently amended) The method of claim 1, wherein ~~determining one or more physical limitations of the user includes determining a handicap of the user.~~ said using step retrieves designations of the physical limitations from the device carried by the user.
3. (Currently amended) The method of claim 1, wherein ~~determining~~ said using step determines one or more physical limitations of the user ~~includes looking up an entry by using said identification of the user to find a profile for the user in a user profile database for the user.~~
4. (Original) The method of claim 1, wherein outputting information content to the user based on the one or more physical limitations of the user includes outputting the information content in a format that takes into consideration the physical limitations of the user.
5. (Original) The method of claim 1, wherein outputting information content to the user based on the one or more physical limitations of the user includes reformatting information content to enhance a portion of the information content.
6. (Original) The method of claim 1, wherein determining one or more physical limitations of the user includes determining if the user has one of hearing loss, loss of sight, diminished hearing, diminished sight, and speaks a foreign language.

7. (Currently amended) The method of claim 1, further comprising receiving a ~~selection of the~~ request for specific information content from the user.
8. (Currently amended) The method of claim 1, wherein the identification of the user is received from one of a wireless transmitter, ~~an input interface~~, a personal digital assistant, a smartcard, a wireless transmitter, a two-way pager device, a Bluetooth™ enabled device, a wearable computer, and a magnetic stripe card.
9. (Original) The method of claim 1, wherein the information content includes at least one of textual information, graphical information, video information, and audio information.
10. (Original) The method of claim 9, wherein outputting information content to the user based on the one or more physical limitations of the user includes enhancing one or more of the textual information, graphical information, video information and audio information based on the determined physical limitations of the user.
11. (Original) The method of claim 10, wherein if the one or more physical limitations of the user includes diminished sight, the audio information is enhanced.
12. (Original) The method of claim 10, wherein if the one or more physical limitations of the user includes diminished hearing, one or more of the video information, textual information and graphical information are enhanced.
13. (Original) The method of claim 10, wherein if the one or more physical limitations of the user includes the user speaking a foreign language, one or more of the video information and the graphical information are enhanced.
14. (Currently amended) ~~An apparatus~~ A system for providing information content to a user, comprising:  
    a device, designed to be carried by a user and to automatically provide a signal carrying identification of said user;  
    a processor; and

an interface coupled to the processor for receiving said signal from said device, wherein the processor automatically receives, from said device, an identification of the user via the interface, ~~determines~~ uses said identification to determine one or more physical limitations of the user regarding receipt and/or interpretation of the information content ~~based on the identification of the user~~, and outputs information content, via the interface, to the user based on the one or more physical limitations of the user.

15. (Currently amended) The apparatus of claim 14, wherein the processor ~~determines one or more physical limitations of the user by determining a handicap of the user~~, receives designations of the physical limitations from the device carried by the user.

16. (Currently amended) The apparatus of claim 14, wherein the processor determines one or more physical limitations of the user by ~~looking up an entry using said identification of the user to find a profile in a user profile database for the user~~.

17. (Original) The apparatus of claim 14, wherein the processor outputs information content to the user based on the one or more physical limitations of the user by outputting the information content in a format that takes into consideration the physical limitations of the user.

18. (Original) The apparatus of claim 14, wherein the processor outputs information content to the user based on the one or more physical limitations of the user by reformatting information content to enhance a portion of the information content.

19. (Original) The apparatus of claim 14, wherein the processor determines one or more physical limitations of the user by determining if the user has one of hearing loss, loss of sight, diminished hearing, diminished sight, and speaks a foreign language.

20. (Currently amended) The apparatus of claim 14, wherein the processor receives a ~~selection of the~~ request for specific information content from the user via the interface.

21. (Currently amended) The apparatus of claim 14, wherein the identification of the user is received from one of a wireless transmitter, ~~an input interface~~, a personal digital

assistant, a smartcard, a wireless transmitter, a two-way pager device, a Bluetooth™ enabled device, a wearable computer, and a magnetic stripe card.

22. (Original) The apparatus of claim 14, wherein the information content includes at least one of textual information, graphical information, video information, and audio information.

23. (Original) The apparatus of claim 22, wherein the processor outputs information content to the user based on the one or more physical limitations of the user by enhancing one or more of the textual information, graphical information, video information and audio information based on the determined physical limitations of the user.

24. (Original) The apparatus of claim 23, wherein if the one or more physical limitations of the user includes diminished sight, the processor enhances the audio information.

25. (Original) The apparatus of claim 23, wherein if the one or more physical limitations of the user includes diminished hearing, the processor enhances one or more of the video information, textual information and graphical information.

26. (Original) The apparatus of claim 23, wherein if the one or more physical limitations of the user includes the user speaking a foreign language, the processor enhances one or more of the video information and the graphical information.

27. (Currently amended) A computer program product in a computer readable medium for providing information content to a user, comprising:

first instructions for automatically receiving, from a device carried by the user, an identification of the user;

second instructions for determining using said identification to determine one or more physical limitations of the user regarding receipt and/or interpretation of the information content ~~based on the identification of the user~~; and

third instructions for outputting information content to the user based on the one or more physical limitations of the user.

28. (Currently amended) The computer program product of claim 27, wherein the second instructions for determining one or more physical limitations of the user include ~~instructions for determining a handicap of the user.~~ receiving designations of the physical limitations from the device carried by the user.

29. (Currently amended) The computer program product of claim 27, wherein the second instructions for determining one or more physical limitations of the user include instructions for ~~looking up an entry~~ using said identification of the user to find a profile for the user in a user profile database for the user.

30. (Original) The computer program product of claim 27, wherein the third instructions for outputting information content to the user based on the one or more physical limitations of the user include instructions for outputting the information content in a format that takes into consideration the physical limitations of the user.

31. (Currently amended) The computer program product of ~~claim 1~~ claim 27, wherein the third instructions for outputting information content to the user based on the one or more physical limitations of the user include instructions for reformatting information content to enhance a portion of the information content.

32. (Currently amended) The computer program product of ~~claim 1~~ claim 27, wherein the second instructions for determining one or more physical limitations of the user include instructions for determining if the user has one of hearing loss, loss of sight, diminished hearing, diminished sight, and speaks a foreign language.

33. (Currently amended) The computer program product of ~~claim 1~~ claim 27, further comprising fourth instructions for receiving a ~~selection of the~~ request for specific information content from the user.

34. (Currently amended) The computer program product of ~~claim 1~~ claim 27, wherein the identification of the user is received from one of a wireless transmitter, ~~an input~~

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interface, a personal digital assistant, a smartcard, a wireless transmitter, a two-way pager device, a Bluetooth™ enabled device, a wearable computer, and a magnetic stripe card.

35. (Currently amended) The computer program product of ~~claim 4~~ claim 27, wherein the information content includes at least one of textual information, graphical information, video information, and audio information.

36. (Currently amended) The computer program product of ~~claim 9~~ claim 35, wherein the third instructions for outputting information content to the user based on the one or more physical limitations of the user include instructions for enhancing one or more of the textual information, graphical information, video information and audio information based on the determined physical limitations of the user.

37. (Currently amended) The computer program product of ~~claim 10~~ claim 36, wherein if the one or more physical limitations of the user includes diminished sight, the audio information is enhanced.

38. (Currently amended) The computer program product of ~~claim 10~~ claim 36, wherein if the one or more physical limitations of the user includes diminished hearing, one or more of the video information, textual information and graphical information are enhanced.

39. (Currently amended) The computer program product of ~~claim 10~~ claim 36, wherein if the one or more physical limitations of the user includes the user speaking a foreign language, one or more of the video information and the graphical information are enhanced.



### **REMARKS**

Claims 1-39 are pending in the present application. Claims 1-3, 7, 8, 14-16, 20-21, 27-29, 31-39 were amended. Reconsideration of the claims is respectfully requested.

Amendments were made to the specification to correct errors and to clarify the specification. No new matter has been added by any of the amendments to the specification.

#### **I. 35 U.S.C. § 101**

The examiner has rejected claims 1-13 under 35 U.S.C. § 101 as being directed towards non-statutory subject matter, noting, "*The above mentioned claims can all be performed by a human process.*" This rejection is respectfully traversed.

It is noted that claim 1 has been amended to recite that the method comprises "*computer-implemented steps*" and to recite receiving the information "*in a processing device*" so as to place the claims within the technological arts. It is believed that this rejection is overcome.

#### **II. 35 U.S.C. § 112, Second Paragraph**

The examiner has rejected claims 3 and 12 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. This rejection is respectfully traversed.

Claim 3 was rejected for not defining the entry being looked up. It is submitted that this claim has been amended to recite that the method uses "*said identification of the user to find a profile for the user*"; it is submitted that this rejection is overcome.

It is believed that the rejection of claim 12 was intended for claim 7, for not defining "*selection*". Claim 7 has been amended to recite receiving "*a request for specific information*"; it is submitted that this rejection is overcome.

Therefore the rejection of these claims under 35 U.S.C. § 112, second paragraph has been overcome.

### III. 35 U.S.C. § 102, Anticipation

Claims 1-39 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Becker; (6,192,341 B1; Feb. 20, 2001). This rejection is respectfully traversed.

As to claims 1-39, the Office Action states:

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus." The species in the aforementioned case will anticipate the genus claimed in the instant application. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989)<sup>1</sup>

The claims have been amended to clarify the invention and more clearly point out the differences between Becker and the present invention. Claim 1 recites,

1. (Currently amended) A method for providing information content to a user, comprising the computer-implemented steps:
  - automatically receiving, from a device carried by a user, an identification of the user in a processing device;
  - using said identification of the user to determine one or more physical limitations of the user regarding receipt and/or interpretation of information content; and
  - outputting information content to the user based on the one or more physical limitations of the user.

The present invention is directed to making enhanced access for handicapped persons an automatic feature. The user carries a device to identify them that either contains an indication of their special needs or else points to a database where their identification can be used to look up their special needs. The device can range from a magnetic card to a wireless personal assistant, but will provide identification automatically, without special requests from the user. This is shown in the claims by the "*automatically receiving*" step. In contrast, Becker is directed to providing the additional capabilities, but not automatically. It is submitted that with the claimed invention, public devices can be programmed to automatically provide enhanced access to persons with any kind of disability.

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<sup>1</sup> Office Action dated December 9, 2004, pages 3-4

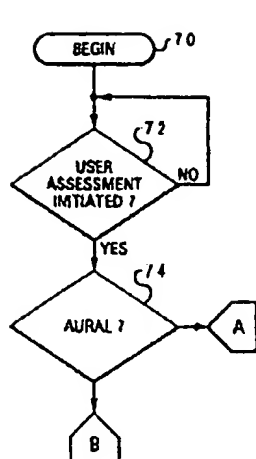


Fig. 3

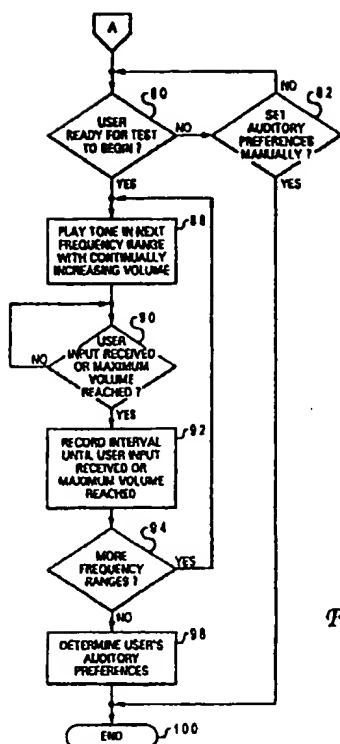


Fig. 4

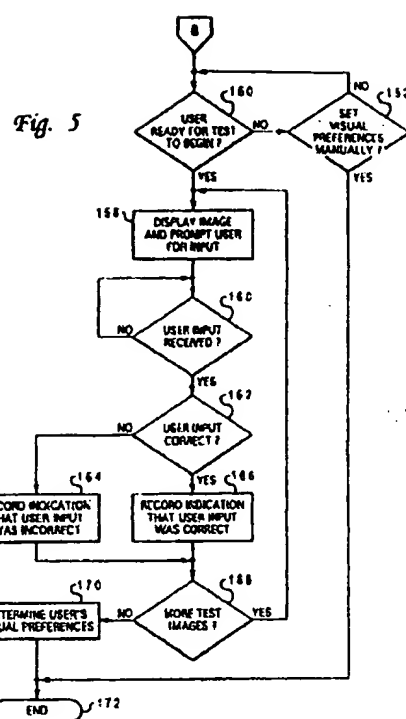


Fig. 5

The three figures above are taken from Becker and show the process disclosed in this patent. As shown here, Becker is very concerned with testing the user to determine the best method of providing information, but such a test must be initiated. Nor does Becker appear to disclose this capability elsewhere in the application. Thus, it is submitted that this rejection is overcome.

Additionally, several of the dependent claims recite additional patentable features. For example, claim 2 recites that *"said using step retrieves designations of the physical limitations from the device carried by the user"*. Becker does not appear to teach a device that provides identification of the user to the computing device.

Additionally, claim 3 recites, *"said using step determines one or more physical limitations of the user by using said identification of the user to find a profile for the user in a user profile database"*. Becker does not appear to show a profile database in which a profile of the user, including physical disabilities, is stored.

Therefore, the rejection of claims 1-39 under 35 U.S.C. § 102(e) has been overcome.

Furthermore, Becker does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. Although Becker is directed to providing enhanced services to handicapped persons, this patent is concerned with a different aspect of the problem than is the present invention. Absent the examiner pointing out some teaching or incentive to implement Becker and automatically receiving information regarding a person's disabilities, one of ordinary skill in the art would not be led to modify Becker to reach the present invention when the reference is examined as a whole.

#### **IV. 35 U.S.C. § 103, Obviousness**

Claims 1-39 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Surve et al. (6 591 008 B1); and further in view of Engelke et al. (5 974 116). This rejection is respectfully traversed.

As to claims 1-39, the Office Action states:

- 22. As to claims 1, 14 and 27 A method for providing information content to a user, comprising:
- 23. receiving an identification of the user; **Surve teaches an individuals profile(c.1 l.51-52)**
- 24. determining one or more physical limitations of the user regarding receipt and/or interpretation of the information content based on the identification of the user; and **Surve teaches identifying a limitation but fails to teach interpretation; Engelke teaches a system, method and apparatus for interpreting a conversation. It would have been obvious to one skilled in the art at the time of invention to combine the teaches of Engelke with Surve so as to have a device capable of assisting an individual with a hearing limitation.(c2 l. 54)**
- 25. outputting information content to the user based on the one or more physical limitations of the user. **Surve teaches displaying content adjusted to the person; (c. 1 l.50-51)**

The summary of the invention of Surve states,

The present invention meets the need by providing a method for displaying a digital color image to a visually impaired person that includes the steps of: measuring the visual response of the person and specifying a set of enhancement profiles relating to the person's color and spatial frequency visual perception, adjusting the color content of the digital color image in response to a color content enhancement profile; adjusting the spatial frequency content of the image in response to a spatial frequency profile;

adjusting the contrast of the image in response to a contrast adjustment profile; and displaying the adjusted digital image to the person.

Thus, as stated above, Surve is directed to enhancing color images for the visually impaired person. This patent is not directed to providing automatic capabilities, but to providing enhanced color capabilities.

Similarly, Engelke notes,

An electronic personal interpreter is provided so that deaf or hard of hearing persons can use on-the spot interpreting to converse with hearing persons who do not know sign language. The personal interpreter uses a telephone connection to a telephone relay system for the deaf to perform the actual interpretation. By using a wireless telephone connection, the device is made portable and by using improved communication protocols and a fast translation technique at the relay, conversation-like speeds of information interchange can occur. Thus for the first time, deaf people will be free to move in hearing society and engage in normal speed conversations with hearing people without special adaptations or training by the hearing people.

Engelke uses a device dubbed an electronic personal interpreter, a schematic of which is shown below. Engelke describes the capabilities thus,

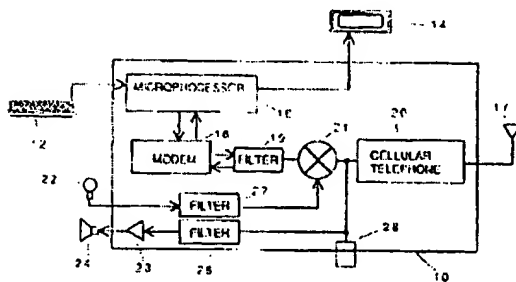


FIG. 2

Even a brief description of the operation and functionality of the personal interpreter reveals the dramatic improvement in convenience and portability that this device gives to deaf people. A deaf user can take the personal interpreter 10 into an establishment, ... place the personal interpreter 10 upon a counter or other surface, open it up, and press the initiation key or start button. The microprocessor 16 and modem 18 of the personal interpreter then power up and act in many ways like a normal TDD device operating in a telecommunication standard protocol ... the relay utilize[s] a fast transcription system, such as the one

described below, so that the spoken voice words of hearing people can be rapidly translated to text for the deaf person.

Thus, while this patent utilizes a device to aid a handicapped person, a computing system is not *"automatically receiving, from a device carried by a user, an identification of the user in a processing device"*. Rather, the user initiates a connection so that a voice-to-text translation can be made. It is submitted that since neither Surve nor Engelke disclose the step of *"automatically receiving, from a device carried by a user, an identification of the user in a processing device"*, their combination cannot be expected to show this limitation.

Therefore, the rejection of claims 1-39 under 35 U.S.C. § 103(a) has been overcome.

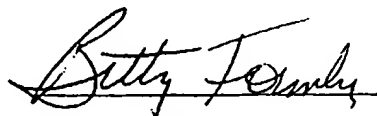
V. Conclusion

It is respectfully urged that the subject application is patentable over Becker, Surge, and Engelke and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: March 9, 2005

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Betty Formby", written over a horizontal line.

Betty Formby  
*Registration No. 36,536*  
AGENT FOR APPLICANTS  
Duke W. Yee  
*Registration No. 34,285*  
ATTORNEY FOR APPLICANTS  
Yee & Associates, P.C.  
P.O. Box 802333  
Dallas, TX 75380  
(972) 385-8777

**IBM CORPORATION  
YOR920000496US1**

**APPARATUS, METHOD AND COMPUTER PROGRAM PRODUCT FOR SELECTING  
A FORMAT FOR PRESENTING INFORMATION CONTENT BASED ON  
LIMITATIONS OF A USER**

---

1.	PATENT APPLICATION	06/19/01
2.	FILING RECEIPT	06/19/01
3.	NOTICE OF RECORDATION	06/19/01
4.	NOTICE OF PUBLICATION OF APPLICATION	12/19/02
5.	OFFICE ACTION	12/09/04
6.	RESPONSE TO OFFICE ACTION	03/09/05
7.	NOTICE OF ABANDONMENT	06/29/05
8.	PETITION TO WITHDRAW HOLDING OF ABANDONMENT	08/08/05

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**==>**

03/09/2006 14:31 9723857766 YEE & ASSOCIATES PAGE 01

**Yee & Associates, P.C.** 4100 Alpha Road Suite 1100 Dallas, Texas 75244 Main No. (972) 385-8777 Facsimile (972) 385-7766

## Facsimile Cover Sheet

To: Commissioner for Patents for Examiner Traci L. Smith Group Art Unit 3629	Facsimile No.: 7013/872-9306
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Message:  Transmitted herewith: <ul style="list-style-type: none"> <li>• Transmittal Document; and</li> <li>• Response to Office Action.</li> </ul>	
Re: Application No. 09/884,580 Attorney Docket No. YOR920006496US1	
Date: Wednesday, March 09, 2005	
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# EXHIBIT 2

## TRANSMISSION VERIFICATION REPORT

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Dallas, Texas 75244

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From: A.J. Jiménez Legal Assistant to Betty Formby	No. of Pages Including Cover Sheet: <b>16</b>
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Re: Application No. <b>09/884,580</b> Attorney Docket No: <b>YOR920000496US1</b>	
Date: Wednesday, March 09, 2005	
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Boies et al.**

Serial No.: **09/884,580**

Filed: **June 19, 2001**

**For: Apparatus, Method and  
Computer Program Product for  
Selecting a Format for Presenting  
Information Content Based on  
Limitations of a User**

**35526**

PATENT TRADEMARK OFFICE  
CUSTOMER NUMBER

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Group Art Unit: **3629**

Examiner: **Smith, Traci L.**

Attorney Docket No.: **YOR920000496US1**

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By:

  
A. J. Jimenez

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Commissioner for Patents  
P.O. Box 1450  
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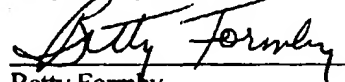
Sir:

ENCLOSED HERewith:

- Response to Office Action.

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Respectfully submitted,

  
Betty Formby

Registration No. 36,536

AGENT FOR APPLICANTS

Duke W. Yee

Registration No. 34,285

ATTORNEY FOR APPLICANTS

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Dallas, Texas 75380

(972) 385-8777

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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For: **Apparatus, Method and  
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Selecting a Format for Presenting  
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Limitations of a User**

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Group Art Unit: **3629**

Examiner: **Smith, Traci L.**

Attorney Docket No.: **YOR920000496US1**

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By: \_\_\_\_\_

A. Jiménez

### RESPONSE TO OFFICE ACTION

Commissioner for Patents  
P.O. Box 1450  
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Sir:

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In response to the Office Action dated December 9, 2004, please amend the above-identified application as follows:

**IN THE SPECIFICATION:**

On page 5, please replace the paragraph extending from lines 11-20 with the following:

The information sources **140-160** may be any type of device capable of providing information content in one or more various formats. For example, the information sources **140-160** may be network servers, databases, television or radio stations, information pager service supplier systems, and the like ~~[INVENTORS: PLEASE ADD TO THE LIST AS YOU SEE FIT]~~. In a preferred embodiment of the present invention, the information sources **140-160** are servers that provide information content in one or more of textual format, graphical and/or video format, and audio format. The information from information suppliers **140-160** is supplied to information content retrieval device **120** via the one or more networks **130** in the form of data transmissions.

**IN THE CLAIMS:**

1. (Currently amended) A method for providing information content to a user, comprising the computer-implemented steps:  
automatically receiving, from a device carried by a user, an identification of the user in a processing device;  
determining using said identification of the user to determine one or more physical limitations of the user regarding receipt and/or interpretation of the information content based on the identification of the user; and  
outputting information content to the user based on the one or more physical limitations of the user.
2. (Currently amended) The method of claim 1, wherein ~~determining one or more physical limitations of the user includes determining a handicap of the user.~~ said using step retrieves designations of the physical limitations from the device carried by the user.
3. (Currently amended) The method of claim 1, wherein ~~determining~~ said using step determines one or more physical limitations of the user ~~includes looking up an entry by using said identification of the user to find a profile for the user in a user profile database for the user.~~
4. (Original) The method of claim 1, wherein outputting information content to the user based on the one or more physical limitations of the user includes outputting the information content in a format that takes into consideration the physical limitations of the user.
5. (Original) The method of claim 1, wherein outputting information content to the user based on the one or more physical limitations of the user includes reformatting information content to enhance a portion of the information content.
6. (Original) The method of claim 1, wherein determining one or more physical limitations of the user includes determining if the user has one of hearing loss, loss of sight, diminished hearing, diminished sight, and speaks a foreign language.

7. (Currently amended) The method of claim 1, further comprising receiving a ~~selection of the~~ request for specific information content from the user.
8. (Currently amended) The method of claim 1, wherein the identification of the user is received from one of a wireless transmitter, ~~an input interface~~, a personal digital assistant, a smartcard, a wireless transmitter, a two-way pager device, a Bluetooth™ enabled device, a wearable computer, and a magnetic stripe card.
9. (Original) The method of claim 1, wherein the information content includes at least one of textual information, graphical information, video information, and audio information.
10. (Original) The method of claim 9, wherein outputting information content to the user based on the one or more physical limitations of the user includes enhancing one or more of the textual information, graphical information, video information and audio information based on the determined physical limitations of the user.
11. (Original) The method of claim 10, wherein if the one or more physical limitations of the user includes diminished sight, the audio information is enhanced.
12. (Original) The method of claim 10, wherein if the one or more physical limitations of the user includes diminished hearing, one or more of the video information, textual information and graphical information are enhanced.
13. (Original) The method of claim 10, wherein if the one or more physical limitations of the user includes the user speaking a foreign language, one or more of the video information and the graphical information are enhanced.
14. (Currently amended) ~~An apparatus~~ A system for providing information content to a user, comprising:  
    a device, designed to be carried by a user and to automatically provide a signal carrying identification of said user;  
    a processor; and

an interface coupled to the processor for receiving said signal from said device, wherein the processor automatically receives, from said device, an identification of the user via the interface, ~~determines~~ uses said identification to determine one or more physical limitations of the user regarding receipt and/or interpretation of the information content ~~based on the identification of the user~~, and outputs information content, via the interface, to the user based on the one or more physical limitations of the user.

15. (Currently amended) The apparatus of claim 14, wherein the processor ~~determines one or more physical limitations of the user by determining a handicap of the user.~~ receives designations of the physical limitations from the device carried by the user.

16. (Currently amended) The apparatus of claim 14, wherein the processor determines one or more physical limitations of the user by ~~looking up an entry using said~~ identification of the user to find a profile in a user profile database ~~for the user.~~

17. (Original) The apparatus of claim 14, wherein the processor outputs information content to the user based on the one or more physical limitations of the user by outputting the information content in a format that takes into consideration the physical limitations of the user.

18. (Original) The apparatus of claim 14, wherein the processor outputs information content to the user based on the one or more physical limitations of the user by reformatting information content to enhance a portion of the information content.

19. (Original) The apparatus of claim 14, wherein the processor determines one or more physical limitations of the user by determining if the user has one of hearing loss, loss of sight, diminished hearing, diminished sight, and speaks a foreign language.

20. (Currently amended) The apparatus of claim 14, wherein the processor receives a ~~selection of the~~ request for specific information content from the user via the interface.

21. (Currently amended) The apparatus of claim 14, wherein the identification of the user is received from one of a wireless transmitter, ~~an input interface~~, a personal digital



assistant, a smartcard, a wireless transmitter, a two-way pager device, a Bluetooth™ enabled device, a wearable computer, and a magnetic stripe card.

22. (Original) The apparatus of claim 14, wherein the information content includes at least one of textual information, graphical information, video information, and audio information.

23. (Original) The apparatus of claim 22, wherein the processor outputs information content to the user based on the one or more physical limitations of the user by enhancing one or more of the textual information, graphical information, video information and audio information based on the determined physical limitations of the user.

24. (Original) The apparatus of claim 23, wherein if the one or more physical limitations of the user includes diminished sight, the processor enhances the audio information.

25. (Original) The apparatus of claim 23, wherein if the one or more physical limitations of the user includes diminished hearing, the processor enhances one or more of the video information, textual information and graphical information.

26. (Original) The apparatus of claim 23, wherein if the one or more physical limitations of the user includes the user speaking a foreign language, the processor enhances one or more of the video information and the graphical information.

27. (Currently amended) A computer program product in a computer readable medium for providing information content to a user, comprising:

first instructions for automatically receiving, from a device carried by the user, an identification of the user;

second instructions for determining using said identification to determine one or more physical limitations of the user regarding receipt and/or interpretation of the information content ~~based on the identification of the user~~; and

third instructions for outputting information content to the user based on the one or more physical limitations of the user.

28. (Currently amended) The computer program product of claim 27, wherein the second instructions for determining one or more physical limitations of the user include ~~instructions for determining a handicap of the user.~~ receiving designations of the physical limitations from the device carried by the user.

29. (Currently amended) The computer program product of claim 27, wherein the second instructions for determining one or more physical limitations of the user include instructions for ~~looking up an entry~~ using said identification of the user to find a profile for the user in a user profile database for the user.

30. (Original) The computer program product of claim 27, wherein the third instructions for outputting information content to the user based on the one or more physical limitations of the user include instructions for outputting the information content in a format that takes into consideration the physical limitations of the user.

31. (Currently amended) The computer program product of ~~claim 1~~ claim 27, wherein the third instructions for outputting information content to the user based on the one or more physical limitations of the user include instructions for reformatting information content to enhance a portion of the information content.

32. (Currently amended) The computer program product of ~~claim 1~~ claim 27, wherein the second instructions for determining one or more physical limitations of the user include instructions for determining if the user has one of hearing loss, loss of sight, diminished hearing, diminished sight, and speaks a foreign language.

33. (Currently amended) The computer program product of ~~claim 1~~ claim 27, further comprising fourth instructions for receiving a ~~selection of the~~ request for specific information content from the user.

34. (Currently amended) The computer program product of ~~claim 1~~ claim 27, wherein the identification of the user is received from one of a wireless transmitter, ~~an input~~

~~interface~~, a personal digital assistant, a smartcard, a wireless transmitter, a two-way pager device, a Bluetooth<sup>TM</sup> enabled device, a wearable computer, and a magnetic stripe card.

35. (Currently amended) The computer program product of ~~claim 1~~ claim 27, wherein the information content includes at least one of textual information, graphical information, video information, and audio information.

36. (Currently amended) The computer program product of ~~claim 9~~ claim 35, wherein the third instructions for outputting information content to the user based on the one or more physical limitations of the user include instructions for enhancing one or more of the textual information, graphical information, video information and audio information based on the determined physical limitations of the user.

37. (Currently amended) The computer program product of ~~claim 10~~ claim 36, wherein if the one or more physical limitations of the user includes diminished sight, the audio information is enhanced.

38. (Currently amended) The computer program product of ~~claim 10~~ claim 36, wherein if the one or more physical limitations of the user includes diminished hearing, one or more of the video information, textual information and graphical information are enhanced.

39. (Currently amended) The computer program product of ~~claim 10~~ claim 36, wherein if the one or more physical limitations of the user includes the user speaking a foreign language, one or more of the video information and the graphical information are enhanced.

### **REMARKS**

Claims 1-39 are pending in the present application. Claims 1-3, 7, 8, 14-16, 20-21, 27-29, 31-39 were amended. Reconsideration of the claims is respectfully requested.

Amendments were made to the specification to correct errors and to clarify the specification. No new matter has been added by any of the amendments to the specification.

#### **I. 35 U.S.C. § 101**

The examiner has rejected claims 1-13 under 35 U.S.C. § 101 as being directed towards non-statutory subject matter, noting, "*The above mentioned claims can all be performed by a human process.*" This rejection is respectfully traversed.

It is noted that claim 1 has been amended to recite that the method comprises "*computer-implemented steps*" and to recite receiving the information "*in a processing device*" so as to place the claims within the technological arts. It is believed that this rejection is overcome.

#### **II. 35 U.S.C. § 112, Second Paragraph**

The examiner has rejected claims 3 and 12 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. This rejection is respectfully traversed.

Claim 3 was rejected for not defining the entry being looked up. It is submitted that this claim has been amended to recite that the method uses "*said identification of the user to find a profile for the user*"; it is submitted that this rejection is overcome.

It is believed that the rejection of claim 12 was intended for claim 7, for not defining "*selection*". Claim 7 has been amended to recite receiving "*a request for specific information*"; it is submitted that this rejection is overcome.

Therefore the rejection of these claims under 35 U.S.C. § 112, second paragraph has been overcome.

### III. 35 U.S.C. § 102, Anticipation

Claims 1-39 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Becker; (6,192,341 B1; Feb. 20, 2001). This rejection is respectfully traversed.

As to claims 1-39, the Office Action states:

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus." The species in the aforementioned case will anticipate the genus claimed in the instant application. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989)<sup>1</sup>

The claims have been amended to clarify the invention and more clearly point out the differences between Becker and the present invention. Claim 1 recites,

1. (Currently amended) A method for providing information content to a user, comprising the computer-implemented steps:
  - automatically receiving, from a device carried by a user, an identification of the user in a processing device;
  - using said identification of the user to determine one or more physical limitations of the user regarding receipt and/or interpretation of information content; and
  - outputting information content to the user based on the one or more physical limitations of the user.

The present invention is directed to making enhanced access for handicapped persons an automatic feature. The user carries a device to identify them that either contains an indication of their special needs or else points to a database where their identification can be used to look up their special needs. The device can range from a magnetic card to a wireless personal assistant, but will provide identification automatically, without special requests from the user. This is shown in the claims by the "*automatically receiving*" step. In contrast, Becker is directed to providing the additional capabilities, but not automatically. It is submitted that with the claimed invention, public devices can be programmed to automatically provide enhanced access to persons with any kind of disability.

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<sup>1</sup> Office Action dated December 9, 2004, pages 3-4

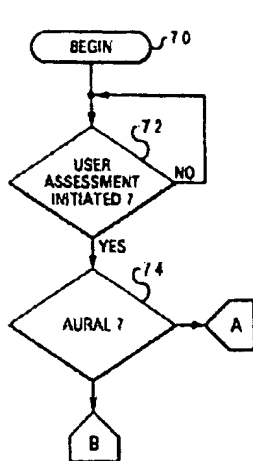


Fig. 3

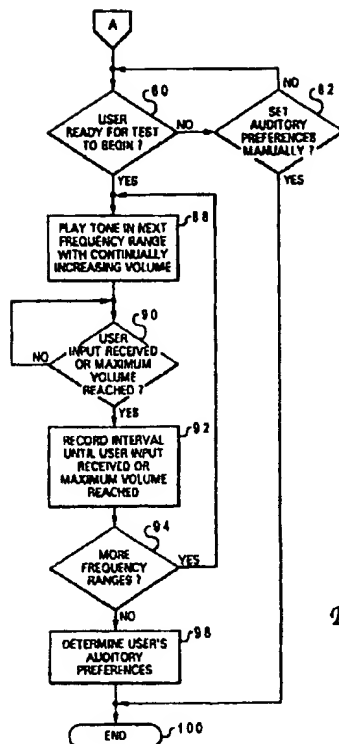


Fig. 4

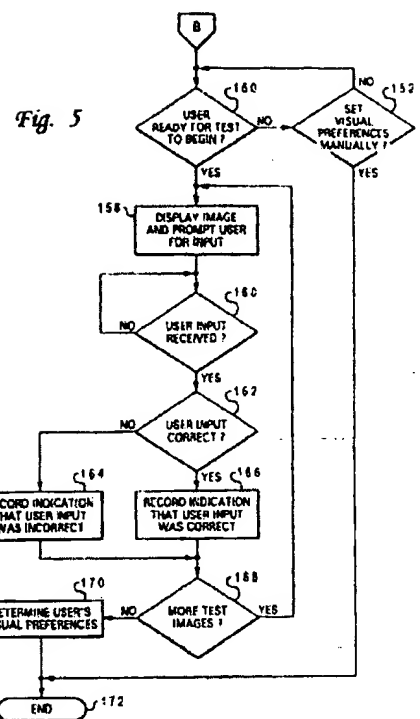


Fig. 5

The three figures above are taken from Becker and show the process disclosed in this patent. As shown here, Becker is very concerned with testing the user to determine the best method of providing information, but such a test must be initiated. Nor does Becker appear to disclose this capability elsewhere in the application. Thus, it is submitted that this rejection is overcome.

Additionally, several of the dependent claims recite additional patentable features. For example, claim 2 recites that *"said using step retrieves designations of the physical limitations from the device carried by the user"*. Becker does not appear to teach a device that provides identification of the user to the computing device.

Additionally, claim 3 recites, *"said using step determines one or more physical limitations of the user by using said identification of the user to find a profile for the user in a user profile database"*. Becker does not appear to show a profile database in which a profile of the user, including physical disabilities, is stored.

Therefore, the rejection of claims 1-39 under 35 U.S.C. § 102(e) has been overcome.

Furthermore, Becker does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. Although Becker is directed to providing enhanced services to handicapped persons, this patent is concerned with a different aspect of the problem than is the present invention. Absent the examiner pointing out some teaching or incentive to implement Becker and automatically receiving information regarding a person's disabilities, one of ordinary skill in the art would not be led to modify Becker to reach the present invention when the reference is examined as a whole.

#### **IV. 35 U.S.C. § 103, Obviousness**

Claims 1-39 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Surve et al. (6 591 008 B1); and further in view of Engelke et al. (5 974 116). This rejection is respectfully traversed.

As to claims 1-39, the Office Action states:

- 22. As to claims 1, 14 and 27 A method for providing information content to a user, comprising:
- 23. receiving an identification of the user; **Surve teaches an individuals profile(c.1 l.51-52)**
- 24. determining one or more physical limitations of the user regarding receipt and/or interpretation of the information content based on the identification of the user; and **Surve teaches identifying a limitation but fails to teach interpretation; Engelke teaches a system, method and apparatus for interpreting a conversation. It would have been obvious to one skilled in the art at the time of invention to combine the teaches of Engelke with Surve so as to have a device capable of assisting an individual with a hearing limitation.(c2 l. 54)**
- 25. outputting information content to the user based on the one or more physical limitations of the user. **Surve teaches displaying content adjusted to the person; (c. 1 l.50-51)**

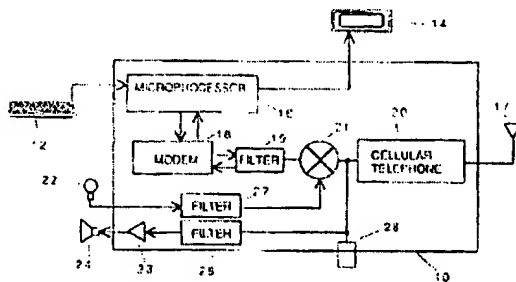
The summary of the invention of Surve states;

The present invention meets the need by providing a method for displaying a digital color image to a visually impaired person that includes the steps of: measuring the visual response of the person and specifying a set of enhancement profiles relating to the person's color and spatial frequency visual perception, adjusting the color content of the digital color image in response to a color content enhancement profile; adjusting the spatial frequency content of the image in response to a spatial frequency profile;

Thus, as stated above, Surve is directed to enhancing color images for the visually impaired person. This patent is not directed to providing automatic capabilities, but to providing enhanced color capabilities.

An electronic personal interpreter is provided so that deaf or hard of hearing persons can use on-the spot interpreting to converse with hearing persons who do not know sign language. The personal interpreter uses a telephone connection to a telephone relay system for the deaf to perform the actual interpretation. By using a wireless telephone connection, the device is made portable and by using improved communication protocols and a fast translation technique at the relay, conversation-like speeds of information interchange can occur. Thus for the first time, deaf people will be free to move in hearing society and engage in normal speed conversations with hearing people without special adaptations or training by the hearing people.

Even a brief description of the operation and functionality of the personal interpreter reveals the dramatic improvement in convenience and portability that this device gives to deaf people. A deaf user can take the personal interpreter 10 into an establishment, ... place the personal interpreter 10 upon a counter or other surface, open it up, and press the initiation key or start button. The microprocessor 16 and modem 18 of the personal interpreter then power up and act in many ways like a normal TDD device operating in a telecommunication standard protocol ... the relay utilize[s] a fast transcription system, such as the one



described below, so that the spoken voice words of hearing people can be rapidly translated to text for the deaf person.

Page 13 of 14  
Boies et al. – 09/884,580



Therefore, the rejection of claims 1-39 under 35 U.S.C. § 103(a) has been overcome.

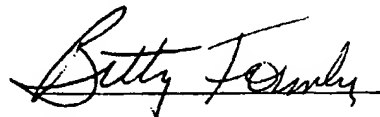
V. Conclusion

It is respectfully urged that the subject application is patentable over Becker, Surge, and Engelke and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: March 9, 2005

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Betty Formby", is written over a horizontal line.

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